

1610 MASSACHUSETTS CRIMINAL OFFENDER RECORD INFORMATION (CORI)

Chapter: **Out-of-Home Placements**

Section: **Finding a Placement**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **12-37**

Effective Date: **October 2012**

Scheduled Review Date:

Approved:

Handwritten signature of Maggie Bishop in black ink.

Maggie Bishop, DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#), and [RSA 170-E](#)

Related Admin Rule(s): [He-C 6446](#)

Related Federal Regulation(s):

Related Form(s): **FORM 2396, FORM 2397, FORM 2398, and FORM 2399**

Bridges' Screen(s) and Attachment(s):

Purpose

This policy defines the use of the Massachusetts' CORI process by NH DCYF in accordance with Massachusetts' CORI certification rules in conducting a background check for the purpose of applying to be an out-of-home placement provider or resource for a child/youth as a foster parent, adoptive parent, relative caregiver, formal or informal respite provider, or a household member of one of these individuals.

Definitions

"Adoptive Parent" means a potential adoptive parent, or spouse/partner of a potential adoptive parent.

"Applicant" means the individual(s), or household member(s), who has applied or requested to become an out-of-home placement for a child/youth, including a foster parent, relative care provider, adoptive parent, or a formal or informal respite provider.

"Authorized User" means a DCYF staff member who has reviewed the Massachusetts' DCJIS CORI Policy, the DCYF CORI Policy, the terms of use, the CORI training, and has completed an Authorized User Form.

"CORI Administrator" means the identified Authorized User(s) who is responsible for CORI administration, record retention, and policy and procedures.

"Foster Parent" means an individual who has a license or permit for foster family care and who provides temporary substitute parental care for a child or children under an agreement with a licensed or approved child-placing agency. For the purpose of this policy, Foster Parent may be interpreted to include a potential foster parent, or individual who has initiated the Foster Family Care License Application process.

"Household Member" means a resident age 17 or older, of an applicant home where the child(ren)/youth will reside.

"Relative" means parent, grandparent, brother, sister, stepparent, stepsiblings, uncle, aunt, nieces, nephews or first and second cousins of the child/youth per RSA 169-C:3 Definitions, XXVI.

"Respite" means a formal or informal arrangement for an individual to provide supervision of a child/youth in care.

Policy

- I. Any applicant must have a Massachusetts CORI check completed if he/she has resided in Massachusetts in the preceding 7 years, pursuant to He-C 6446.06 Criminal Record Checks.
- II. CORI checks will only be conducted after a CORI Acknowledgement Form (Form 2396) has been completed and as authorized by the Massachusetts' Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, §.172.
- III. CORI checks will be completed on all household members for the purpose of an out-of-home placement or resource for a child/youth with a legal relationship to DCYF, to include:
 - A. Licensed applicants;
 1. Foster Family Care applicants; and
 2. Adoptive parents.
 - B. Volunteer applicants.
 1. Relative caregivers, which may include a parent; and
 2. Another specified connection of the child/youth identified to be a formal or informal respite provider.
- IV. DCYF may maintain a CORI Acknowledgement Form (Form 2396) for up to a year for the purpose of any subsequent checks.
 - A. If a subsequent CORI check is to be made on an applicant within a year of his/her signing of the CORI Acknowledgement Form (Form 2396) and having an initial CORI check, the applicant shall be given seventy-two (72) hours written notice that a new CORI check will be conducted.
 - B. A CORI Acknowledgment Form (Form 2396) will not be considered valid following a year from when the individual signed it, and the individual will need to complete a new CORI Acknowledgement Form (Form 2396) if a CORI check is needed.
- V. All information obtained through a CORI check from the DCJIS is confidential, and access to the information must be limited to Authorized Users who have a "need to know." This may include, but not be limited to, CORI Administrator submitting the CORI requests, and staff processing an applicant's request.
 - A. DCYF must maintain and keep a current list of each individual authorized to have access to, or view, the Massachusetts' CORI. This list must be updated at least every six (6) months to assure only current Authorized Users are included and new Authorized Users have been noted. This list is subject to inspection upon request by the DCJIS at any time.
 - B. All information obtained from the CORI check through DCJIS is confidential and can only be disseminated as authorized by law, regulation, and DCYF policy.
 1. A central secondary dissemination log shall be used to record any dissemination of information obtained through a CORI check outside the DCYF CORI Administrator, including dissemination at the request of the applicant.

- VI. All authorized users of CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.
- VII. CORI checks shall only be accessed for applicants who are otherwise qualified/eligible for the position for which they have applied. Determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.
- VIII. Information received through a CORI check must be compared to the identification information provided by the applicant to verify the record belongs to the applicant.
- IX. In connection with any decision regarding professional licensing, the applicant shall be provided with a copy of the criminal history record and informed of the source, prior to questioning the applicant about his or her criminal history.
- X. If a determination is made, that the criminal record belongs to the applicant, and the applicant does not dispute the record's accuracy, then the determination of suitability for the position or license will be made.
 - A. Consideration may include but not be limited to:
 - 1. Relevance of the record to the position sought;
 - 2. The nature of the work to be performed;
 - 3. Time since the conviction;
 - 4. Age of the applicant at the time of the offense;
 - 5. Seriousness and specific circumstances of the offense;
 - 6. The number of offenses;
 - 7. Whether the applicant has pending charges;
 - 8. Any relevant evidence of rehabilitation or lack thereof; and
 - 9. Any other relevant information, including information submitted by the applicant or requested by DCYF.
 - B. The applicant is to be notified of the decision and the basis for it in a timely manner.
- XI. If an authorized user plans to deny an applicant based on the results of a CORI check, the applicant will be notified immediately.
 - A. The applicant shall be provided with:
 - 1. A copy of the DCYF CORI policy; and
 - 2. The source(s) of the criminal history.
 - B. If the applicant is denied based primarily on the CORI results, a copy of the denial letter shall be provided to the DCYF CORI Administrator.

Procedure

- I. The Resource Worker, CPSW, or JPPO must:
 - A. Determine if it is necessary for the applicant to complete a Massachusetts CORI check;
 - B. Obtain a CORI Authorized User Form (Form 2397) from the DCYF CORI Administrator (one time need);
 - C. Review the CORI DCJIS policy, CORI Training Documents, Terms and conditions of use, and DCYF CORI Policy;
 - D. Complete the CORI Authorized User Form (Form 2397);
 - E. Engage applicant(s) to properly complete a CORI Acknowledgement Form (Form 2396); and
 - F. Submit the CORI Authorized User Form (Form 2397) and the applicant CORI Acknowledgement Form(s) (Form 2396) to the DCYF CORI Administrator.
 - G. Make arrangements to view any CORI results in the DCYF CORI Administrator's office, if necessary.

- II. The DCYF CORI Administrator must:
 - A. Verify the Authorized User Form (Form 2397) and submit the CORI Acknowledgement Form (Form 2396);
 - B. Carefully assess the CORI results and the application to assure proper match.
 - C. Assure that information received through the CORI check is limited to those individuals who have a "need to know;"
 - D. Verbally share the CORI results with the Resource Worker/CPSW/JPPO who is the authorized user/requestor and allow for arrangements to view any CORI results in the DCYF CORI Administrator office, if necessary;
 - E. Provide the applicant:
 1. A Notice of CORI Results (Form 2398) stating if there was a finding or not a finding, and the location where the CORI results will be maintained;
 2. A copy of the CORI results;
 3. Form 2399 "What do I do if there is information on my CORI that I believe is incorrect?" and
 4. The Massachusetts' Complaint Form, Incorrect Criminal Record Information.
 - F. Provide a copy of Form 2398 Notice of CORI Results to the Resource Worker/CPSW/JPPO.
 1. The copy of Form 2398 Notice of CORI Results is to be maintained in the applicant's file.

- III. CORI records are to be kept in the locked filing cabinet of the DCYF CORI Administrator for record purposes and audits by DCJIS, IV-E, or any other federal auditing entity.